

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

APR 4 2005

**MEMORANDUM**

**SUBJECT:** Transfer Facilities

**FROM:** Maria J. Doa, Director  
National Program Chemicals Division

**TO:** Regional PCB Coordinators

Recently, EPA has been approached by several electrical utilities and their trade associations who would like to consolidate shipments of PCB waste from other generators for disposal by a third party without obtaining approval as a commercial storer. Under current regulations, utilities can receive and hold waste generated by others as a "transfer facility" (defined in 40 CFR 761.3) provided that none of the PCB waste is stored at the transfer facility for more than 10 consecutive days. The storage regulations at 40 CFR 761.65(d)(5) state that transfer facilities are exempt from the approval requirements for commercial storers as long as the waste is not stored at the transfer facility for greater than 10 consecutive days.

While the transfer facility itself is not subject to the commercial storage approval requirements under §761.65(d) or the record-keeping requirements under §761.180, each generator is still required to maintain records under §761.180. This includes the generator's copy of the original manifest which accompanies the PCB waste shipment before and after it arrives/leaves the transfer facility as well as the certificate of disposal which the ultimate disposal facility must send back to each original generator of PCB waste in the consolidated load.

Therefore, facilities such as electrical utilities can consolidate several shipments of PCB waste from different generators as transfer facilities if waste shipments are coordinated to meet the storage time limit. Commercial trucking firms and "break bulk" facilities routinely operate in this manner to maximize loads on their trucks and save fuel.

CONCURRENCES							
SYMBOL	7404T	7404T	7404T				
SURNAME	<i>Doa</i>	<i>Doa</i>	<i>Doa</i>				
DATE	25 Mar 05	3/28/05	2/1/05				

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 4 2005

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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Therefore, facilities such as electrical utilities can consolidate several shipments of PCB waste from different generators as transfer facilities if waste shipments are coordinated to meet the storage time limit. Commercial trucking firms and "break bulk" facilities routinely operate in this manner to maximize loads on their trucks and save fuel.

For your convenience, we have provided the following regulatory language:

§761.3 definition: "Transfer facility means any transportation-related facility including loading docks, parking areas and other similar areas where shipments of PCB waste are held during the normal course of transportation. Transportation vehicles are not transfer facilities under this definition, unless they are used for the storage of PCB waste, rather than for actual transport activities. Storage areas for PCB waste at transfer facilities are subject to the storage facility standards of §761.65, but such storage areas are exempt from the approval requirements of §761.65(d) and the record-keeping requirements of §761.180, unless the same PCB waste is stored for a period of more than 10 consecutive days between destinations."

§761.65(d)(5) states: "Storage areas at transfer facilities are exempt from the requirements to obtain approval as a commercial storer of PCB waste under this paragraph, unless the same PCB waste is stored at these facilities for a period of time greater than 10 consecutive days between destinations."

If you have questions about this issue, please contact Dave Hannemann at 202-566-0508.

## ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Dave Hannemann	DH	21 Mar.
2. Tony Baney	TB	3/28
3. Patricia Robinson (Log In/Log Out)	PR	3/28/05
4. Maria Doa (Signature)	MD	4/1/05
5. <div style="background-color: #cccccc; height: 20px; width: 100%;"></div>		

X	Action	File	Note and Return
	Approval		Per Conversation
	As Requested		Prepare Reply
	Circulate		See Me
	Comment		Signature
	Coordination		

**SUBJECT: Transfer Facilities**

FROM: (Name, org. symbol, Agency/Post)  <div style="text-align: center; padding-top: 20px;">Joycelyn R. Harley</div>	Room No.- 4355KK <hr/> Phone (202) 566-0497
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